

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARILENA C. PAROLISE,

Petitioner,

-against-

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/15/2024

24-CV-1382 (GHW) (KHP)

ORDER OF SERVICE

KATHARINE H. PARKER, United States Magistrate Judge:

Petitioner, who is appearing *pro se*, brings this action under Federal Arbitration Act, 9 U.S.C. § 10, seeking to vacate a November 28, 2023 arbitration award in favor of Respondent Portfolio Recovery Associates, LLC.¹ By order dated March 7, 2024, the Court granted Petitioner's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

DISCUSSION

Because Petitioner has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

¹ Petitioner filed the original petition on February 22, 2024. On February 23, 2024, she filed an amended petition. The amended petition (ECF 5) is the operative pleading.

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Petitioner is proceeding IFP and could not have served the summons and the amended petition until the Court reviewed the amended petition and ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

To allow Petitioner to effect service on Respondent Portfolio Recovery Associates, LLC through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Respondent. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Respondent.

If the amended petition is not served within 90 days after the date the summons is issued, Petitioner should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the [petitioner's] responsibility to request an extension of time for service).

Petitioner must notify the Court in writing if her address changes, and the Court may dismiss the action if Petitioner fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue a summons for Portfolio Recovery Associates, LLC, complete the USM-285 form with the address for Respondent, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further instructed to mail an information package to Petitioner.

SO ORDERED.

Dated: March 15, 2024
New York, New York

Katharine H. Parker

KATHARINE H. PARKER
United States Magistrate Judge

RESPONDENT AND SERVICE ADDRESS

Portfolio Recovery Associates, LLC
120 Corporate Blvd.
Norfolk, VA 23502